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Hearing Date and Time: April 13, 2010 at 10:00 a.m.
Objection Deadline: April 6, 2010 at 5:00 p.m.

*Attorneys for Irving H. Picard, Esq., Trustee
for the Substantively Consolidated SIPA Liquidation
of Bernard L. Madoff Investment Securities LLC
and Bernard L. Madoff*

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK
SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

In re:

BERNARD L. MADOFF,

Debtor.

Adv. Pro. No. 08-01789 (BRL)

SIPA Liquidation

(Substantively Consolidated)

**NOTICE OF MOTION TO AUTHORIZE TRUSTEE'S ENTRY INTO THIRD
AMENDED & RESTATED ASSET PURCHASE AGREEMENT WITH SURGE
TRADING INC. F/K/A CASTOR POLLUX SECURITIES, INC.**

Irving H. Picard, Trustee ("Trustee") for the substantively consolidated liquidation of
Bernard L. Madoff Investment Securities LLC ("BLMIS") and the estate of Bernard L. Madoff
("Madoff") (collectively, "Debtor"), by and through his undersigned counsel, will move before
the Honorable Burton R. Lifland, United States Bankruptcy Judge, at the United States

Bankruptcy Court, the Alexander Hamilton Customs House, One Bowling Green, New York, New York 10004-1408, on **April 13, 2010 at 10:00 a.m.**, or as soon thereafter as counsel may be heard, seeking entry of an order, pursuant to sections 105 and 363 of the United States Bankruptcy Code, 11 U.S.C. §§ 101 *et seq.*, authorizing the Trustee's entry into a Third Amended and Restated Asset Purchase Agreement (the "Amended Agreement") with Surge Trading Inc., formerly known as Castor Pollux Securities, Inc. (the "Purchaser").

PLEASE TAKE FURTHER NOTICE that written objections to the Motion must be filed with the Clerk of the United States Bankruptcy Court, One Bowling Green, New York, New York 10004 by no later than **5:00 p.m. on April 6, 2010** (with a courtesy copy delivered to the Chambers of the Honorable Burton R. Lifland) and must be served upon (a) Baker & Hostetler, LLP, counsel for the Trustee, 45 Rockefeller Plaza, New York, New York 10111, Attn: Marc Hirschfield and (b) the Securities Investor Protection Corporation, 805 Fifteenth Street, NW, Suite 800, Washington, DC 20005, Attn: Kevin H. Bell, Esq. Any objections must specifically state the interest that the objecting party has in these proceedings and the specific basis of any objection to the Motion.

Dated: New York, New York
March 30, 2010

/s/ Marc Hirschfield
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